

AMENDMENTS TO CERTIFIED PROPOSAL OF AREA PLAN COMMISSION

Pursuant to Indiana Code 36-7-4-600 Series, the Town of _____

[hereinafter Town/[T]he Town] , in the county of Franklin, State of Indiana, having voted upon the proposed

amendment to the current Area Zoning Code as presented and certified to the Town by the

Franklin County Area Plan Commission on or about April 21, 2011, hereby submits the Town's

response to said proposal by making the following amendments to the same:

Amendment #1: Section 80.01 (C)(2) Incorporated Businesses Exemption-the Town is concerned that this provision is contrary to law.

The Town recommends removal of 80.01(C)(2) in its entirety.

Amendment #2: Section 80.03.04: R-1 Single-Family Residence District (B)(2) regarding Minimum ground floor area for Single-Family Homes-The Town is concerned about the ambiguous language and the minimum square footage for the ground floor in two story buildings.

The Town requests an amendment to clarify that, *within incorporated municipalities excluding the Town of Laurel*, a minimum square footage of 1,000 square feet shall be required for the ground floor area of a home consisting of two stories or more while keeping the total minimum square footage at 1440 for all homes.

Amendment #3: Section 80.05.02 Basic Homeowner Additional Uses, General Uses(A)(1)-the Town has concerns about allowing such structures without any oversight.

The Town requests an amendment to clarify that, *within incorporated municipalities excluding the Town of Laurel*, a permit shall be required before installing any driveways, patios, curbs, drainage devices, walks, retaining walls, storage sheds over 150 square feet, green houses over 150 square feet, or any other structures over 150 square feet.

Amendment #4: 80.05.04(A)(2)(a) Pets and Domesticated Animals, Requirements for Keeping of Domestic Pets, Indoor Pets- the town has health and safety concerns regarding the number of indoor pets proposed to be allowed in homes.

The Town requests an amendment to clarify that, *within incorporated municipalities excluding the towns of Laurel*, no more than seven (7) indoor pets will be allowed in any residence.

Amendment #5: 80.05.05 Events (A) Rummage, garage, and yard sales- the town is worried about abuse.

The Town requests an amendment to clarify that, *within incorporated municipalities excluding the Town of Laurel*, rummage, garage, and yard sales are allowed without permit,

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provided there are not more than two (2) such sales annually with each said sale not lasting more than two (2) days in duration on each premises.



Amendment #6: 80.05.07 Miscellaneous, (C) Mobile Homes- the Town is concerned about abuse and the potential for improper and possible illegal usage of mobile homes, manufactured homes, and RVs.

The Town requests an amendment to clarify that, ***within incorporated municipalities excluding the Town of Laurel***, mobile homes, manufactured homes and RV's shall not be permitted for any purpose other than for use as a residence subject to all appropriate oversights, permits and legal requirements.

Amendment #7: 80.05.08: Home Businesses- the Town is concerned about potential for abuse without proper oversight.

The Town requests an amendment to clarify that, ***within incorporated municipalities excluding the Town of Laurel***, the standards, limitations and requirements for Home Businesses and Home Occupations shall be as set forth under 80.36 of the Area Zoning Code (a copy of which is attached hereto and marked as Exhibit A).

Amendment #8: 80.05.09: Signs- the Town is concerned about obvious safety issues for largely unrestricted use of signs including the impeding of visibility and distraction for drivers throughout the Town limits.

The Town requests an amendment to clarify that, ***within incorporated municipalities excluding the Town of Laurel***, the standards, limitations and requirements for Signs shall be as set forth under 80.38 of the Area Zoning Code (a copy of which is attached hereto and marked as Exhibit B).

Amendment #9: 80.06.04 Specific Conditional Uses- the Town is concerned about potential for abuse without proper oversight.

The Town requests an amendment to clarify that, ***within incorporated municipalities excluding the Town of Laurel***, all specific Conditional Uses as set forth under 80.06.04 shall be designated Class 3 and shall require an Improvement Location Permit and the approval process as set forth under 80.06.03, including, but not limited to, the requirement for a public hearing.

Amendment #10: 80.08.07 Mobile Homes, Manufactured Homes and RVs; (C) Temporary Use -the Town is concerned about the potential for abuse and illegal and/or unsafe use without proper oversight.

The Town requests an amendment to clarify that, ***within incorporated municipalities excluding the Town of Laurel***, there shall be no temporary use of a mobile home, manufactured home or recreational vehicle nor shall there be permitted storage or parking of any recreational vehicle, except as permitted with such limitations and requirements as set forth under Section 80.35, Temporary Uses under the current Area Zoning Code (a copy of which is attached hereto and marked as Exhibit C).

Amendment #11: 80.08.08 Private Lanes (D) Multiple Homes- the Town has concerns regarding high potential for damages and costs to the town, unsafe driving conditions and the risk to the generally safety and welfare of residents created by the proposed amendment.

The Town requests an amendment to clarify that, ***within incorporated municipalities excluding the Town of Laurel***, not more than one home shall be permitted on a single private lane.

Amendment #12: 80.11.02(8)- the Town has concerns that the Area Plan is already under a tight budget and to suspend the levy of fines for any violation hereunder if a map is not updated within one year of adoption seems absurd and readily subject to abuse.

The Town would propose that 80.11.02(D) be removed in its entirety to allow for imposition and levying of appropriate fines against any persons in violation of this code notwithstanding the status of the map. If this cannot be agreed upon, the town requests an amendment to clarify that ***within incorporated municipalities excluding the Town of Laurel***, appropriate fines may be assessed against persons in violation of this code, notwithstanding the status of the zone map.

Amendment #13: 80.13 (C) Definitions- the Town has concerns that to amend the definition of "Violation" to remove the provision for a separate violation for every day that a violation continues will make the enforcement of this Code less enforceable and, in some cases, without any deterring affect at all.

The Town proposes that the definition of Violation be amended to clarify that "each day a violation occurs SHALL constitute a separate offense and shall be punishable as such subject to the limits of applicable state and federal laws.

If this cannot be agreed upon, the Town requests an amendment to clarify that ***within incorporated municipalities excluding the Town of Laurel***, each day shall constitute a separate offense and shall be punishable as such subject to the limits of the applicable state and federal laws.

Amendment #14 Section 80.03.06 R-3 Multi-Family Residence District (B) Other Requirements for the R-3 District (1) Minimum Lot Area - the Town is concerned that the term "no sewer utilized" and "sewer is utilized" are confusing. The Town would suggest that these sections be clarified to state what the minimum lot area is where "public sewage system is utilized" and what additional lot area will be required where "no public sewage system is utilized" which would necessitate additional lot allowance for private sewage on the lot itself.

Further, with regard to the Two-Family Homes, it is suggested that the minimum lot area where no public sewage system is utilized be changed from 20,000 square feet to 12,000.00 square feet or larger if needed for 2 septic fields.

Further, with regard to Multi-Family Dwellings it should be clarified that for the first 3 units, where a public sewage system is utilized, the minimum lot area is 9,000 square feet. Where no public sewage system is utilized, it shall be 18,000 square feet. Then for each additional unit, where public sewage system is utilized, an additional 1,500 square feet will be required and for each additional unit, where no public sewage system is utilized, an additional 3,000.00 square feet will be required.

Amendment #15 80.03.10, I-1 Enclosed Industrial District, (A) Permitted Uses (2) Dwellings- the Town is concerned that there are no specifications for single-family and manufactured homes. We propose that language be added to clarify that Single-Family and Manufactured Homes

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will only be permitted if they meet the specifications for R-3 zoning requirements.

Amendment #16 80.08.03 (C) Yard Exceptions (6) Storage (a) - the Town is concerned about the storage of unsightly items in open view of the public. The Town would propose ***within incorporated municipalities excluding the Town of Laurel***, that the language of 80.08.03(C)(6)(a) be changed to remove the words "required" and "setback" and leave all other words as written.

Amendment #17 Section 80.03: Zone Districts- the Town is concerned that the amendments contained herein can only be legally accomplished by creating separate zones for incorporated municipalities, excluding the Town of Laurel and non-incorporated areas, including the town of Laurel. As such the Town proposes that Section 80.03 be amended to include the following district designations and/or zones:

A-1(IM) Prime Agriculture in Incorporated Municipalities excluding the Town of Laurel

A-1 (UA) Prime Agriculture in Unincorporated Areas and the Town of Laurel

A-2 (IM) Secondary Agriculture in Incorporated Municipalities excluding the Town of Laurel

A-2 (UA) Secondary Agriculture in Unincorporated Areas and the Town of Laurel

R-E (IM) Recreation in Incorporated Municipalities excluding the Town of Laurel

R-E (UA) Recreation in Unincorporated Areas and the Town of Laurel

R-1 (IM) Single-family Residence in Incorporated Municipalities excluding the Town of Laurel

R-1 (UA) Single-family Residence in Unincorporated Areas and the Town of Laurel

R-2 (IM) Single-family and Two-family Residence in Incorporated Municipalities excluding the Town of Laurel

R-2 (UA) Single-family and Two-family Residence in Unincorporated Areas and the Town of Laurel

R-3 (IM) Multiple-family Residence in Incorporated Municipalities excluding the Town of Laurel

R-3 (UA) Multiple-family Residence in Unincorporated Areas and the Town of Laurel

L-B (IM) Local Business in Incorporated Municipalities excluding the Town of Laurel

L-B (UA) Local Business in Unincorporated Areas and the Town of Laurel

P-B (IM) Planned Business in Incorporated Municipalities excluding the Town of Laurel

P-B (UA) Planned Business in Unincorporated Areas and the Town of Laurel

G-B (IM) General Business in Incorporated Municipalities excluding the Town of Laurel

G-B (UA) General Business in Unincorporated Areas and the Town of Laurel

I-1 (IM) Enclosed Industrial in Incorporated Municipalities excluding the Town of Laurel

I-1 (UA) Enclosed Industrial in Unincorporated Areas and the Town of Laurel

I-2 (IM) Open Industrial in Incorporated Municipalities excluding the Town of Laurel

I-2 (UA) Open Industrial in Unincorporated Areas and the Town of Laurel

F-P (IM) Flood Plain Overlay in Incorporated Municipalities excluding the Town of Laurel

F-P (UA) Flood Plain Overlay in Unincorporated Areas and the Town of Laurel

H-D (IM) Historic District Overlay in Incorporated Municipalities excluding the Town of Laurel

H-D (UA) Historic District Overlay in Unincorporated Areas and the Town of Laurel

W-D (IM) Whitewater River Scenic District Overlay in Incorporated Municipalities excluding the Town of Laurel

W-D (UA) Whitewater River Scenic District Overlay in Unincorporated Areas and the Town of Laurel

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U-D (IM) Unit Development in Incorporated Municipalities excluding the Town of Laurel
U-D (UA) Unit Development in Unincorporated Areas and the Town of Laurel

Once these revisions are made to Section 80.03, the proposed code will have to be amended in each relevant section to specify which district/zones will be affected in light of these new district/zone classifications.

The Town will vote to adopt the proposed amendment certified to the Town by the Franklin County Area Plan Commission on or about April 21, 2011, ONLY with the amendments contained herein including the revision to clarify the new district/zone classifications.

The Town hereby submits their response and amendments to the Area Plan Commission as required by Indiana Code 36-7-4-600 series.

SIGNED BY THE TOWN COUNCIL/BOARD MEMBERS OF _____
THIS _____ DAY OF _____, 2011.

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Attested by the Clerk/Treasurer of the Town